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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Wayne Mahnke,  
Plaintiff,  
v.  
Capital One, NA,  
Defendant.

Case No. 2:20-cv-00545-GMN-VCF  
**Joint Status Report re: ECF No. 31**

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Plaintiff Wayne Mahnke, individually and on behalf of all and others similarly situated (“Plaintiff”) and Defendant Capital One, N.A., (“Capital One”) (collectively, the “Parties”), by and through their counsel of record, submit the following status report in response to the Court’s October 16, 2022 order. ECF No. 31.

On July 21, 2020, the Court stayed this matter pursuant to the parties’ stipulation. ECF Nos. 17, 18. The purpose of the stay was for the parties to await the Supreme Court’s decision in a then-pending matter, *Facebook, Inc. v. Duguid*, 592 U.S. \_\_ (2021). The Supreme Court has since issued its decision in *Duguid*, and this Court lifted the stay of this matter on April 26, 2022. ECF No. 29.

The Parties have discussed the merits of this matter in light of *Duguid* and are actively discussing whether a resolution can be reached without further litigation. To

allow these discussions to continue, the Parties respectfully request that the Court set another deadline for a status report 30 days from today's date.

This request is made in good faith, and not for the purposes of delay.

Dated: November 14, 2022

BALLARD SPAHR LLP

LAW OFFICES OF MILES N. CLARK

By: /s/ David E. Chavez

By: /s/ Miles N. Clark

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*Attorneys for Plaintiff Wayne Mahnke*

**ORDER**

IT IS SO ORDERED:

  
United States Magistrate Judge

DATED: 11-15-2022

IT IS HEREBY ORDERED that a status report must be filed on or before December 16, 2022.